16

On the Present Disquietude in the Church.

A LETTER

TO THE CLERGY AND LAITY OF THE DIOCESE OF LINCOLN.

BY

CHR. WORDSWORTH, D.D.
BISHOP OF LINCOLN.

RIVINGTONS,
WATERLOO PLACE, LONDON,
Oxford and Cambridge.

MDCCCLXXXI.

A LETTER

To the Clergy and Laity of the Diocese.

My dear Sirs,

The prevalence of uneasiness consequent on recent events, and the widespread apprehension of dangers arising from them, have led me to believe that you may be looking for some communication from me with a view to our mutual counsel and guidance on matters which deeply concern us, whether as Members or Ministers of the Church; and the Address which I have just received from more than two hundred of the Clergy of the Diocese confirms me in this belief.

After careful consideration I have resolved to cast my remarks upon them into the form of an historical inquiry, to be followed by some practical applications; as most favourable to that calmness of mind, and fairness of temper, which are requisite for a profitable discussion of this subject, and also as supplying that knowledge of facts, without which we might probably be in danger of being misled, and perhaps of misleading others.

The questions before us are these:—

By whom is Jurisdiction in Ecclesiastical causes

to be exercised; according to what laws; and in what manner?

We are agreed that all Authority, Ecclesiastical as well as Temporal, is from God, and from God alone; and that resistance to lawful authority in any command that is not contrary to God's law, is resistance to God from Whom all Authority is derived.[1]

But if human Authority commands what is plainly repugnant to God's law, it is not to be obeyed, because all men are under a prior paramount obligation to obey God. We must obey men for the sake of God, but must not disobey God for the sake of men.

We are also of one mind, that in the Realm of England the Sovereign is Supreme, under God, over all persons, and in all causes, Ecclesiastical as well as Civil, within her dominions.[2]

But our inquiry is:—

By what Judges is this Supremacy to be exercised in Ecclesiastical matters?

Our own greatest divines, such as Richard Hooker and Bishop Andrewes, have appealed to a passage in Holy Scripture as affording authoritative direction on this subject.[3]

[1] Rom. xiii. 1—4. 1 Pet. ii. 13. [2] Art. xxxvii.

[3] See Mr. Keble's edition of Hooker, vol. iii. pp. 145—148. Oxford, 1836, and Bp. Andrewes, Tortura Torti, p. 381. Hooker, as we know from George Cranmer's notes on the Sixth Book, argued the question in that book, which being against lay eldership, was destroyed in part, if not in whole, by Puritan hands after his death.

They refer to the act of the good king Jehoshaphat, appointing Judges to decide controversies both in Spiritual and Temporal matters. It is there recorded that the king set a civil ruler, Zebadiah, to preside over the Court in "the king's matters," and appointed Amariah the High Priest to occupy the chief place, with the Levites, "in all matters of the Lord."[4]

In the times of our Lord's ministry the state of the Jewish Church was so corrupt, that instead of one High Priest for life in hereditary succession, according to God's appointment, we find two High Priests, Annas and Caiaphas, in one and the same year,[5] and we know that the Jewish High Priests were appointed and removed from their office by the Heathen Power of Rome.

But still our blessed Lord and His Apostles after Him seem to have acknowledged them as having hierarchical authority, and they are called High Priests in Holy Scripture.[6]

St. Paul, with exemplary charity and wisdom, reproached and corrected himself for giving an opprobrious name to one of those sacerdotal intruders who had been placed in the spiritual office of High Priest and Judge by the Heathen Power of Rome. "Brethren," he said, "I wist

[4] 2 Chron. xix. 11. Hooker supposed that this was a restoration of the tribunal described in Deut. xvii. 8—12.

[5] Luke ii. 36.

[6] Matt. xxvi. 23. John xi. 49; xviii. 13—28. Acts iv. 6; xxiii. 2, 5.

not that he was the High Priest: for it is written, Thou shalt not speak evil of the ruler of thy people" (Exod. xxii. 28. Acts xxiii. 5).

Our blessed Lord also regards the Pharisees, who were not necessarily Priests, as sitting in Moses' seat, and as entitled to obedience, so far as they commanded what was in accordance with the Divine Law.[7]

In the earlier ages of Christianity, while the Roman Empire was still heathen, the most remarkable case of Royal Supremacy exercised in an Ecclesiastical matter, was that of the Emperor Aurelian.

You will remember that Paul of Samosata, Bishop of Antioch, was twice condemned by Synods of the Church in that city for his heretical denial of Christ's Divinity, and that he was deposed by the Bishops of the Council, and that another Bishop, Domnus, was appointed in his place. However, by the favour of Queen Zenobia of Palmyra, Paul was maintained in his See and in the possession of the Episcopal residence.

In A.D. 272 Zenobia was defeated by the Emperor Aurelian, to whom, being in possession of Antioch, the Bishops appealed, not however that he should be a judge of the Christian faith, but in order that, judging according to the laws of the Church, he should assign the property of the See to the Bishop who was recognized as such by the Church.

[7] Matt. xxiii. 2, 3.

The Emperor received the appeal, and confirmed the decree of the Council. He deprived Paul of his Episcopal See and Palace, and established the orthodox Bishop in his place.

Here is an example of Royal Supremacy invoked by Catholic Bishops of a non-established Church, in an Ecclesiastical matter; and an instance of a heathen power exercising sovereign jurisdiction in it.

This precedent is suggestive; but I pass on to observe that the next case of importance is one which occurred under a Christian Emperor, Constantine.

I need not narrate to you the origin of the Donatistic Schism. Suffice it to say, that there were two rival Bishops as candidates for the see of Carthage, each with a large party of adherents. To which of the two, Cæcilian or Majorinus, was canonical obedience due? An appeal was made to the Emperor Constantine to settle this question. He referred it, in the first instance, to Bishops appointed by himself to take cognizance of the cause at Rome; but when the Donatists were not satisfied with their decision, which was in favour of Cæcilian, Constantine summoned a Council of Bishops at Arles in the year 314, which also decided in favour of Cæcilian. And when they were discontented with that determination, the Emperor appointed Ælian, the Proconsul of Africa, as his Commissary, or Delegate, to adjudicate in the matter. Cæcilian pleaded before the

Proconsul, and established his claim ; and the Proconsul confirmed the decree of the Council of Arles.[8]

S. Augustine, who relates these circumstances, remarks, that Constantine himself took cognizance of the cause in person, though reluctantly, after the Council of Arles ; and that his first desire had been to have it settled by Episcopal Judges, first at Rome, and next at Arles.[9]

We shall presently see how the great Bishop of Hippo, S. Augustine himself, acted under similar circumstances.

Constantius, the son and successor of Constantine, favoured Arianism, and persecuted the Church, and expelled from their sees Catholic Bishops, such as Athanasius, Bishop of Alexandria. Then it was that the valiant Confessor of the true Faith, S. Hilary, Bishop of Poictiers, uttered that brave protest, in which he exhorted the Emperor Constantius to require the governors of his provinces to abstain from dealing with Ecclesiastical causes.[1] S. Hilary knew well that it is the duty of Sovereigns to judge *according* to the laws, and not to be judges *of the* laws ; and he also knew well that the Delegates of Constantius the Arian would pronounce judgment *against* the Law

[8] This is the order of events as related by S. Augustine, Epist. 162 and 166.

[9] Non est ausus de causâ Episcopi judicare ; eam discutiendam atque finiendam Episcopis delegavit. Augustine, Epist. 166.

[1] S. Hilary ad Constantium, i. 1.

of the Christian Church and *against* the true Faith, which had been solemnly established by the Church in the days of Constantine at the great Council of Nicæa. S. Hilary therefore remonstrated against the exercise of any Ecclesiastical Jurisdiction by such Judges as these.

This also was the case with that other Champion of the Faith, S. Ambrose, Bishop of Milan. When the Emperor, Valentinian the younger, at the instigation of his Mother Justina, the partisan of Auxentius the Arian Bishop, whom she had set up in opposition to Ambrose, required the Bishop of Milan to surrender some of the Churches of Milan to the Arians, and propounded the heretical formula of Rimini in opposition to the Nicene Creed, and in the year 386 summoned S. Ambrose to appear and plead his cause against Auxentius in the Imperial Consistory, S. Ambrose declined to obey.

When the Burials' Bill was before Parliament in 1873, your attention was called [2] to the language addressed by S. Ambrose to the Emperor, in answer to his claim for the use of Churches of God for the Arians, "My liege lord, it is not lawful for me to give up a Church to thee; a Church, which has been dedicated to God, cannot be surrendered by a Priest;" and when he was convened by the nobles, who said that the Emperor acted in virtue of his Royal Prerogative, as master of all, he replied, "If the Emperor asks

[2] Twelve Addresses, 1873, p. 250.

me for what is mine to give, my money, my land, even my life, I will give it. But a Church does not belong to me, but to God, and I cannot surrender it." [3]

In a similar spirit he declined to plead in the Consistory of the Emperor. The Emperor, who was young, and had not been baptized, had already by his acts disqualified himself for being a Judge. He had set himself above and against the Laws of the Church, as declared in the General Council of Nicæa. He was endeavouring to supplant the Nicene Creed, which had lately been confirmed by another General Council, that of Constantinople; and to enforce an Arian Symbol, that of Rimini, in its place, and to supersede a Catholic Bishop by an heretical usurper, Auxentius. S. Ambrose, after consulting with his brother Bishops, declared that he could not recognize such a tribunal as that; he would have been untrue to Christ and His Church if he had done so.[4] Christian Princes and Rulers are not set in authority to be Judges of the Faith, but to judge for the Faith; and when they contravene the Faith and encourage heresy, they forfeit their judicial authority in Ecclesiastical matters, which is derived from the God of Truth.

[3] S. Ambrose, Epist. xx. and xxi.

[4] The case of Valentinian the younger and S. Ambrose is very fully and ably dealt with by Bp. Bilson on Christian Subjection, Part i. pp. 236—243 (Lond. 1856); and by Dean Field on the Church, pp. 680, 681 (Oxford, 1635).

S. Ambrose, by his preaching at Milan, won over to the Christian faith a person who became one of the greatest Christian Bishops—S. Augustine.

The genius, piety, and learning of S. Augustine, his courage and zeal, guided by wisdom, tempered by charity, and sanctified by grace for the defence of the true Faith, and for the advancement of the Divine glory, were blessed not only to his own age, but to succeeding generations; and his example in dealing with difficult questions of doctrine and discipline in times of trial for the Church, may be commended to the imitation of all.

The controversy between the Donatists and the Catholics, which had harassed the African Church in the days of Constantine, assumed larger proportions in those of Honorius, the son of Theodosius the Great.

The principal champion of the Church at that time was S. Augustine.

Let me invite you to consider what course was then pursued by S. Augustine and the Catholic Bishops associated with him.

With this view let me quote the narratives given of their proceedings by two learned and accurate Church Historians, both of them Roman Catholics, and zealous for the honour and rights of the Christian Church.

One of them—the erudite and candid Tillemont—writes,[5] "S. Augustine was the person who

[5] Mémoires pour servir à l'Histoire Ecclésiastique. Tome

undertook and accomplished a work so beneficial to the Church; and the other Bishops united their efforts with his. They sent envoys to the Emperor Honorius with the request that he would summon the Bishops of both sides to meet at Carthage, where each party should choose its own representatives, to debate the controverted questions at a Conference. The Emperor gladly acceded to the request, and proved by his acts that he was sincere in declaring that the maintenance of the Catholic faith, and the restoration of peace, and the advancement of the Divine glory, were his main designs; and he complied with the desire more readily because the Donatists concurred in it.

The Emperor addressed a rescript to Flavius Marcellinus, one of his principal Commissioners in Africa, and appointed him as his Delegate to preside at the Conference. Marcellinus was a Catholic, distinguished by prudence and diligence, moderation and equity, which were evinced by his management of the Conference. S. Augustine eulogizes Marcellinus for his love of Holy Scripture, for his fervent piety, his holiness of life, his charity, probity, mildness, and affability.[6] Indeed, on account of his zeal for the truth, and of his sufferings even unto death in a

xiii. pp. 500—503, and pp. 612—619 (Ed. Paris, 1702). The original authorities in the writings of S. Augustine and others are cited fully by Tillemont and Fleury.

[6] Tillemont, tom. xiii. pp. 501, 502, 554.

good cause, he is revered as a Martyr by the Church.

This Conference of the Bishops met in the summer of A.D. 411, and after three days' patient hearing of the cause, Marcellinus delivered an elaborate judgment in favour of the Catholics, which was published on June 26th—eighteen days after the opening of the Conference.

Such, says Tillemont, was the conclusion of that celebrated Assembly, which the African Church had desired for eight years, and which was one of the principal benefits that accrued to it from the Episcopate of S. Augustine.[7]

The Abbé Fleury in his Ecclesiastical History[8] writes in similar terms:—"The deputies of the Council of Carthage obtained a rescript from the Emperor Honorius, summoning the Donatists to meet them in conference. This was the expedient which the Catholic Bishops, and principally S. Augustine, desired as most efficacious for dispelling popular delusions."

Fleury describes fully the proceedings of the Conference, and says that the Acts of the Conference were read annually in the Church of Carthage and Hippo, and other Churches of Africa; and as they were found too prolix for the purpose, S. Augustine undertook to abridge them in order to render them more acceptable to the public.

[7] P. 551.

[8] Fleury, Hist. Eccl., tome iii. pp. 306—332 (Ed. Bruxelles, 1713).

This Conference healed the Donatistic Schism, and many Donatist Bishops and their congregations returned to the Unity of the Church.[9]

In order that we may have clear notions on the questions discussed in that Conference, let me add the words of a celebrated jurist, Hugo Grotius,[1] upon it :—

"Marcellinus exercised his judicial functions as commissary of the Emperors, Honorius and Theodosius. The Imperial Edict recited that the question to be determined was one that concerned the truth of Religion; and Marcellinus, the presiding Judge, said to the Donatists, 'The allegations against you are that you are chargeable with heresy and schism.' Indeed the cause hinged upon these articles: 'What is the Catholic Church? What are its true characteristics? What is a just cause of separation? And are heretics to be rebaptized? The Emperor was not requested by the Donatists, but by the Catholics, to take cognizance of these questions."

We are thus brought to the second decade of the fifth century; and we may pass from it without delay to the sixteenth.

You would not desire to trace the course of events from the first attempts of the Roman See to draw Appeals to itself in Ecclesiastical matters, even in the days of S. Augustine, who resisted

[9] Fleury, ibid., pp. 334, 335.

[1] De Imperio Potestatum summarum circa sacra; in Grotii Opera, tom. iii. p. 236 (Ed. Lond., 1679).

such an endeavour of Pope Zosimus (A.D. 418) in the cause of Apiarius.

Our forefathers struggled manfully against those attempts in the "Constitutions of Clarendon," A.D. 1164, and in the "Magna Charta," and in various *Statutes against Appeals* to Rome, especially in the year 1532.

None of us would desire to revive the time when a Bishop of Lincoln, Robert Grossetête, was forced to appeal to the Pope at Lyons, in order to settle a question between the Chapter of Lincoln and himself; and when the same Pope attempted to force his nephew an Italian boy, Frederick of Lavagna, into a Canonry of Lincoln Cathedral.

They who wish to trace the history of such Appeals in England may find it in Bishop Gibson's Codex Juris Anglicani (p. 83, Ed. Oxford, 1761). As to the evils of such an Appellate Jurisdiction in Ecclesiastical matters, some of them may be seen in the learned Church History of one of our former Precentors, Dr. John Inett;[2] and the remedies applied to them are well stated in the excellent Manual of English Church History by one of our own representatives in Convocation, Canon Perry.[3]

In the year 1532 the English Parliament

[2] Vol. ii. pp. 281, 376 (Oxford, 1710), who says that "by allowing to the court of Rome the last resort in Causes Ecclesiastical, the kings of England had stripped themselves of the better half of the supremacy which God had given them."

[3] P. 80 (Lond., 1878).

passed an Act entitled, "No Appeal shall be used but within this Realm" (24 Henr. VIII. c. 12).

It declared that the king was furnished with full power to administer justice in all cases finally, in causes Spiritual by Judges of the Spiritualty, sufficient and meet for that end; and in causes Temporal by Temporal Judges.

It therefore prohibited Appeals to Rome, and enacted that in Ecclesiastical Causes an Appeal should lie from the Archdeacon to the Bishop, or his Commissary, and thence *to the Archbishop*, whose sentence should be final. But in all causes concerning the king the Appeal should be to the *Upper House of Convocation.*[4]

But in the next year this course of procedure was altered. By the Statute then passed (25 Henr. VIII. c. 19) the Parliament, preserving the course of Appeal laid down in the foregoing Statute, from the Court of the Archdeacon to the Bishop, and from the Bishop to the Archbishop in the Court of Arches, and recognizing the principle enunciated in that former Statute that all *coercive* jurisdiction, vested in persons spiritual as well as temporal, is from the King, under God, proceeded to make the following change, and enacted that an Appeal should lie finally *from the Archbishop* in his Court of Arches, *to the King* in his Court of Chancery, and that in every such Appeal a commission should be directed under the great seal *to such persons as should be named by*

[4] 24 Henr. VIII. c. 12. Bp. Gibson's Codex, p. 83.

the King's Highness, his Heirs, and Successors; and that the persons "so named or appointed should have full power and authority *to hear and determine such Appeal.*" [5]

The Court of Final Appeal constituted by this Statute was commonly called the "*Court of Delegates.*"

It continued to exist and act as such for nearly three hundred years.

A proposal was indeed made in the Reformatio Legum[6] framed under King Edward VI. by Archbishop Cranmer and other Reformers, to establish another Court of Final Appeal, and to substitute for the Court of Delegates either the Convocation or Synod of the Province, or three or four Bishops nominated by the Crown.

But this proposal fell to the ground.

Consequently the "*Court of Delegates*" as established in 1533 as the Court of Final Appeal in Ecclesiastical matters, is to be regarded as representing the "*Reformation Settlement*" of a final Tribunal in Ecclesiastical Causes.

You will bear in mind that I am *not offering opinions*, but am only *stating facts;* and what I would now observe is that in the three centuries which elapsed from the formation of the Court of Delegates as the Final Court of Appeal, some of the greatest Divines of the Church of England wrote concerning the Royal Supremacy, and on

[5] 25 Henr. VIII. c. 19, in Bp. Gibson's Codex, p. 1037.

[6] Ref. Legum, p. 142.

Ecclesiastical Jurisdiction exercised by it in *that Court*, and defended the one and the other on grounds Scriptural and Catholic.

Let me invite you to examine the eighth chapter of the eighth book of Richard Hooker's work on Ecclesiastical Polity.

He refers to the *Court of Delegates* in the following words:—"When in any part of the Church errors, heresies, schisms, abuses, offences, contempts, enormities are grown, which men in their several Jurisdictions either do not or cannot help, whatsoever any spiritual Authority or Power (such as Legates from the see of Rome did sometimes exercise) have done, or might heretofore have done for the remedy of those evils in lawful sort (that is to say, without the violation of the Law of God, or nature, in the deed done), so much in every degree our Laws have fully granted that the *King for ever may do*, not only in setting ecclesiastical synods on work, but by *Commissioners, few or many*, who having the King's Letters Patent, may in virtue thereof execute the premises as agents in the right not only of their own peculiar and ordinary, but of his super-eminent, power."

"In spiritual causes a lay person may be *no ordinary* (i.e. he may not exercise ordinary jurisdiction appertaining to Bishops in sacred things), but a Commissionary Judge there is no let he may be." "That kind of appeal the English Laws do approve from the Judge of any particular Court

unto the King, as the only supreme Governor on earth, who, by *his Delegates*, may give a final definitive sentence, from which no further appeal may be made."

"It may not be convenient" (he says) "to the King to sit and give sentence in *spiritual Courts*" (he calls the Court of Delegates by that name), "where causes Ecclesiastical are usually debated, but this can be no bar to that force and efficacy which the sovereign Power of Kings hath over those very Consistories, and for which we hold without any exception that *all Courts are the king's*."

This assertion, "all Courts are the King's," and derive their *coercive* jurisdiction from the Crown, is repeated by one of our greatest Episcopal Jurists, Bishop Stillingfleet, in his "Ecclesiastical Cases" (ii. 99, 203).

"We see it necessary" (says Hooker) "to put a difference between that *ordinary* Jurisdiction which belongeth to the Clergy alone, and that *Commissionary* jurisdiction wherein others are for just considerations appointed to join with them, as also between both these jurisdictions and a third, whereby the King hath a transcendent authority, and *that in all causes, over both*."

We may sum up his argument as follows:—

1. All authority is from God.
2. All *coercive*[7] *jurisdiction*, in all Courts,

[7] I.e. *not* the authority to preach, minister sacraments, ordain, confirm children, &c., which is given by Christ and Christ alone; but authority to *enforce* laws, ecclesiastical as well as

whether Ecclesiastical or Civil, is from the Sovereign Ruler under God.

3. A Court constituted to exercise external jurisdiction in matters ecclesiastical and spiritual, may be called a *Spiritual Court*, even though some *laymen* may sit in it, as they did in the Court of Delegates.

4. Such a Court may have a *coercive jurisdiction* in things spiritual, although it has been constituted by Parliament as the Court of Delegates" was by 25 Henr. VIII. c. 19.

5. But such a Court *does not derive* its authority *from* Parliament, but *from the Crown*, which is the *source* of all external coercive jurisdiction *under God*. "All courts," (says Hooker) "without exception, are the King's;" and "all Laws, enforcing pains and penalties, are, as Bishop Sanderson has shown,[8] strictly speaking 'the King's Laws,' as every statute shows in its enacting clause: 'Be it *enacted by the King's most excellent Majesty*, by and with the advice and consent" of both houses of Parliament.'

The English Parliament in the Statute of Appeals did not *give jurisdiction* in Ecclesiastical

civil, by penalties. And so Bishop Sanderson in his work on Episcopacy (Lond., 1673), pp. 26—35. The Ministerial Power of preaching the Word and ministering the Sacraments is from heaven and of God. The judiciary or *coercive* power of Bishops in giving sentence in *foro exteriori* in matters Ecclesiastical is from the Crown, which under God is the fountain of external jurisdiction whether spiritual or temporal.

[8] Bp. Sanderson, Lectures on Human Law, Lect. vii., sect. 7—10.

matters to the Crown; but Parliament in that Statute, being a Law enacted by the Crow itself with the advice of Parliament, *altered the channel* in which the Jurisdiction, which appertains to the Crown, was to flow.

Such were the principles on which the "*Reformation Settlement*" as to Ecclesiastical jurisdiction was defended by Richard Hooker and by Bishop Andrewes in his Answer to Cardinal Bellarmine, and by Archbishop Laud in the Declaration which he wrote in the King's name, and which is prefixed to the Thirty-nine Articles in our Prayer Book. Such were the principles which were maintained by our greatest divines, such as Archbishop Bramhall, Bishop Sanderson, Bishop Pearson, Bishop Bull, Bishop Stillingfleet, and Bishop Butler.

They believed those principles to be grounded on Holy Scripture, and to be in accordance with the judgment of the ancient Catholic Church, and to be the best safeguards, under God, against the usurpations of Romanism on the one side, and of the Genevan discipline on the other.

The *Court of Delegates* was abolished in the year 1832, and its Jurisdiction in Ecclesiastical matters was transferred, first to the entire *Privy Council*, and in the next year to the *Judicial Committee* of the Privy Council; and in 1840, in certain causes, to a mixed Tribunal consisting of the Judicial Committee and Prelates who were

Privy Counsellors. Another alteration[9] was made by the "Appellate Jurisdiction Act" in 1876, which provided for the making "of rules for the attendance on the hearing of Ecclesiastical cases *as assessors* of the Judicial Committee of such number of the *Archbishops* and *Bishops* of the Church of England as might be determined by such rules."

Let us now return to the year 1850.

An attempt was made by one of the greatest of our English Bishops, Bishop Blomfield, on June 3rd, 1850, in the House of Lords, to amend the Court of Final Appeal by transferring its jurisdiction from the *Judicial Committee* to the *Bench of Bishops*.

Though the Bill introduced by him received the support of the Earl of Derby, and of many other powerful advocates, it was rejected by a majority of 84 against 51.

This proposal will engage our attention when we come to consider the remedies proposed for present evils.

On the 7th of August, 1874, was passed the "Public Worship Regulation Act."

One of the main objections to that measure, as it seems to me, and as was stated by me in the course of debates upon it in the House of Lords,[1] was that

[9] 39 and 40 Vict., c. 59, s. 14.

[1] May I be allowed to refer, for a report of this, to my "Miscellanies Literary and Religious," vol. iii. pp. 124—141, where some remarks are offered on the true principles of Parliamentary legis-

it was introduced and carried through Parliament without, and indeed against, the advice of the Church in her Convocations.

Of its special provisions I will say more presently.

And now, my reverend and lay brethren, let us consider the question, What is to be done?

1. Let us not look for ideal perfection. Let us remember that the condition of the Church on earth is, ever has been, and ever will be (and much more as we approach nearer to the end of the world) a very imperfect one. Let us not mistake the Church Militant on earth for the Church Triumphant in heaven. Let us not expect here what can only be enjoyed hereafter.

Let us look back on past ages of the Church's history which we have been reviewing. Consider, for example, the condition of the Church as to Ecclesiastical jurisdiction and its exercise as exemplified in the forty best years of the life of Athanasius. "The heart of Constantine stolen from him; Constantius, Constantine's successor, his scourge and torment by all the ways that malice armed with Sovereign Authority could devise and use. Under Julian no rest given him; and in the days of Valentinian as little. His Judges the self-same men by whom his accusers were suborned"[2] Even Hosius, the

lation on Ecclesiastical matters, with special reference to the precedent of 1689.

[2] Hooker, v., xlii.

framer of the Nicene Creed, renounced it. Heretical symbols, such as that of Rimini, were imposed in its place. Bishops, once his friends, turned from him and became his enemies. But he was not dismayed; he remained firm and calm. "Throughout that long tragedy nothing was observed in Athanasius, other than such as it well became a wise man to do, and a righteous man to suffer." And God rewarded his constancy, wisdom, and charity, by restoring him to his see, and by settling and establishing for ever that true faith in Christ for which he contended valiantly and suffered patiently. So will it be with those who imitate his example.

2. Next, while we look at evils steadily, let us not exaggerate them. Let us try to overcome evil with good. While we mistrust ourselves, let us look up with faith to God, and consider His gracious attributes, in making all things ministerial for good to them that love and obey Him, and in eliciting the greatest good from what may appear to be the worst evils.

Pardon some personal reminiscences here. I remember well being present in the Court of Final Appeal at the delivery of the celebrated Gorham judgment by the Judicial Committee in the spring of 1850. One of the most formidable enemies of the Church of England, an eminent Ecclesiastic of the Church of Rome, was in the audience; and the exultation of him and his friends in the hope of a large secession from the Church of England

in consequence of that judgment, and their reception into the Church of Rome, was not greater than the distress and consternation of some of the best friends of our own Church.

Deep indeed was the sorrow caused by that judgment; but it has pleased God to overrule it for good. I recollect hearing then the remark of a wise and faithful layman of the Church of England—the late Mr. Joshua Watson. He said soon after it: "Depend upon it, the outspoken protest of one such bishop as Bishop Blomfield against that judgment will do more good to the Church than the judgment will do harm." Bishop Blomfield's action at that time, his speech in the House of Lords soon after it, in introducing the Bill to which I have referred, supported as he was in his strictures on the constitution of the Judicial Committee as an Ecclesiastical Court, by the Earl of Derby, Bishop Kaye,[3] Bishop Wilberforce, and others were so damaging to its moral influence, that the mischief done by its decisions was greatly neutralized.

Besides this, the Clergy were thus excited to consider more carefully their own teaching on the Sacrament of Baptism.

The Gorham judgment gave us[4] favourable

[3] In his Charge of 1852.

[4] The publication of the author's Occasional Sermons preached in Westminster Abbey on these and other subjects of the day, and continued for many years, dated from that Judgment in 1850.

opportunities of preaching on that doctrine, and on Church communion, and on Secessions from it.

What Origen and other Ancient Christian Fathers, especially S. Augustine, said of the effects of divers heresies, that they, by stimulating careful inquiry, had led, under God's good providence, to the clearer manifestation and firmer establishment of the Truth;[5] and, what S. Augustine specially remarked concerning the Donatistic controversy, that it was overruled to be the means of settling men's minds in the right doctrine on the Sacrament of Baptism[6] has been signally exemplified in our own age in England. We owe it, under God, to the Gorham controversy, that the opinions of the Clergy and Laity of the Church of England on that Sacrament are, for the most part, much clearer and much sounder at the present time than they were thirty years ago.

3. While also we do not shut our eyes to our errors and abuses, and while we endeavour, with God's help, to correct and remove them, patiently, charitably and wisely, let us not forget our manifold blessings, and let us thank God for them.

Many now speak in impatient and indignant language on our bondage to the State, as if we were the slaves and vassals of an Erastian tyranny. But let me respectfully and earnestly entreat them

[5] Origen, Homil. 9 in Num. S. Augustine, De Civ. Dei xvi. 2.

[6] S. Aug. in Ps. 54.

to ask themselves this question—Is there any Communion in Christendom in which they would enjoy more true liberty than in the Church of England? Would they find it in the Church of Rome, which would bend all men under the iron yoke of subjection to one man whom she terms infallible; and which has thus involved herself in a perpetual necessity of erring; and which imposes anti-scriptural and anti-catholic dogmas as terms of communion? Would you find more freedom in the Greek Church, which is reduced to intellectual and spiritual and social degradation? Would you exchange your lot for that of those in the disestablished Church of Ireland or Scotland, or in the non-established Churches of America or the Colonies, or in any Protestant Communions at home or abroad?

Is there any Christian doctrine which you, my reverend brethren, are not free to preach? Is there any Christian Sacrament which you are not free to administer? Is there any Christian Creed, whole and unadulterated, which you are not free to use in your Churches? Are you not free to visit the sick and dying in your parishes, to teach in your Schools, and, if you will, to evangelize the Heathen? Have you not the true Canon of Holy Scripture in your mother tongue? Have you not, in your own Christian Ministry, a sacred Commission and Apostolic lineage, derived by a continuous succession of eighteen centuries from the hand of Christ?

If we have all these inestimable blessings, which the rest of Christendom might well envy us, let us not murmur against God, and tempt Him for our ingratitude to withdraw them from us.

Let us not, indeed, obey any command which is plainly contrary to the Divine Law, but let us not tempt the Lord our God by casting ourselves down from the pinnacle of the temple, in the vain hope that He will work a miracle to save us from the consequences of our own act.

If it pleases the Civil Powers to spoil us of our goods, to take away from us our Churches and our Parsonages, be it so; the sin of sacrilege will be theirs, and the glory of suffering for God will be ours; but let us not rush recklessly into Disestablishment, which would involve us in the guilt not only of pauperizing our successors, but also of paganizing our people, especially in such a Diocese as this.

4. The severe penalties which some of our brethren of the Clergy are now suffering for what are commonly called *ritualistic excesses*, and for non-compliance with judicial sentences which restrain them, will, it is to be hoped, have the good effect of leading some among us to examine ourselves whether we may not be chargeable with *ritualistic defects;* and of thus diffusing not only a spirit of charitable forbearance and mutual toleration among us, but also of producing more diligence, and zeal and vitality in our practice, and more conformity to the laws of the Church.

Let us not be angry with some of our brethren if they exceed in some degree what we ourselves do, and what we have been accustomed to regard as the limit of Clerical liberty and Ecclesiastical order and law.

Perhaps our views of such liberty, order, and law may not be quite correct. And let me suggest, that perhaps our time might be better spent in examining whether we may not be chargeable on our side with falling short of the law. Are we to vent our indignation on zeal, and have none left for lukewarmness? Are we to be angry with our brethren who afford their people access to frequent communion, and allow them to have the privilege of worshipping God on the holy days of the Church, and on every day of the year, and give them the benefit of the whole Book of Common Prayer freely and fully, and who faithfully comply with its requirements, and perhaps outrun some of them (which I do not advise any one to do, or commend any one for doing), and are we to have no reproaches for ourselves, if we rarely open our Churches from one Sunday to another, and if we are content with infrequent communions, and do not obey the laws of the Church in her appointment of Saints' Days and Holy Days, or omit the Athanasian Creed, and if we deprive our people of what she has provided for them in her Prayer Book, and which she commands us to supply? In a word, let us all agree in a hearty resolve to be kind, fair, and charitable to one another; to live

as brethren, and to have nothing to do with those unhappy disputes which waste the time and energy of the Church, and hinder her from doing her proper work; and let us determine to obey loyally the laws of the Church; and neither to fall short of them on one side, nor exceed them on the other; to be in peace with one another, and to join together in an earnest endeavour to maintain and advance the true Faith, and in resisting the assaults of Infidelity, Secularism, and Superstition; and in missionary work for saving the souls of semi-pagan multitudes in our vast cities, and in delivering heathen nations, especially in our Colonies and foreign dependencies, from darkness and the shadow of death into the glorious liberty of the children of God.

Here is work enough for us all.

But to speak now of remedies.

In order to apply them rightly we must understand the nature of the disorder.

First, then, as to the *Court of Final Appeal.*

It is alleged by some good men that it *derives its authority from Parliament*, that it is a "*State Court*," and not a "*Court of the Church*," and that it ought not to take cognizance of spiritual matters; and that we ought to abolish it, and to return to what is called the "*Reformation Settlement*" in the decision of such causes Ecclesiastical.

The fundamental fallacy in such allegations is

this, that they assume that, because Parliament has *directed the manner in which* a certain Authority—namely that of the Royal Supremacy—*is to be exercised*, therefore Parliament is the *source* from which that *authority flows*.

I had thought that this fallacy had been so triumphantly exposed and refuted more than two centuries ago, by the author of the Preface to our Book of Common Prayer, Bishop Sanderson, in his admirable Lectures on Conscience and Law,[7] that we should have heard no more about it.

But as it is now very rife, in pamphlets, public speeches, even in sermons, let me be permitted with all deference to ask—Does the Queen *derive* her authority from Parliament, because Parliament by certain Statutes (as the Act of Settlement) has appointed, with the Crown's assent, that the authority which she *derives from God* shall flow in a certain channel, namely in a Protestant line of succession? Does a Member of Parliament *derive* his authority from the constituents who elect him? If so, they would have a right to dismiss him. No; he derives his authority from the English Constitution, and originally from God. Does the Head of a College, where that office is elective, derive his authority, as such, from the Fellows who choose him? No; he derives it from the Statutes, and from the Founder of the College, and ultimately from God. In such cases as these the electors *designate* the *person* by whom

[7] See Lecture vii. sections 18—20.

the authority is to be exercised, but they do *not give* the *authority* which is exercised by him.

Similarly coercive Ecclesiastical jurisdiction, by whomsoever it may be exercised, is in England derived from the Sovereign, who is supreme over all persons, and in all causes, and it is ultimately from God, the original Fountain and Wellspring of all authority.

The authority exercised in Ecclesiastical matters by the Judicial Committee is derived from the Crown as Supreme under God. Parliament has, as it were, made the channel in which the authority is to flow; but Parliament is no more the *source* of that authority than a Roman aqueduct is the fountain of the water which flows through it to the city of Rome from the Alban hills.

As for the "*Reformation Settlement*," as it is called, the action of Parliament was, as we have seen, precisely the same at that time as it is now; Parliament enacted the "Statute of Appeals" in A.D. 1533, which regulated the manner in which the Royal Supremacy was to be exercised in Ecclesiastical causes; namely by the *Court of Delegates*, which our best Divines do not hesitate to call a *Spiritual* Court, not because it consisted of *spiritual persons* (for this was not the case), but as having authority in spiritual causes. And this "Statute of Appeals" remained in force, as we have also seen, for three centuries; and, as has been already shown, this mode of Parlia-

mentary action was defended by all our greatest divines, such as Richard Hooker, and Bishop Andrewes, and others during that time.

If the "Judicial Committee of Privy Council" is to be condemned as a "*State-made Court, consisting of State-made Judges*," the same condemnation must be pronounced on "The Court of Delegates," which was our Court of Final Appeal from the Reformation to our own age.

They, therefore, who appeal to the "Reformation Settlement" ought to acquiesce in this Parliamentary action; but if they condemn this Parliamentary action, they have no right to invoke the "Reformation Settlement."

The fact is, if the Judicial Committee had nothing to fear but the censure of those who seem to misapprehend the matter, and call it a "State Court," a "Secular Court created by Parliament for taking cognizance of Spiritual causes which ought to be judged only by spiritual persons," it need not be very uneasy.

But letting these things go, which will not have much weight with judicious men, who have studied the principles of Divine and Human Law, and the origin of authority, and the writings of our best divines, and the history of the Church Catholic, and of the Church of England, let us now pass on to consider whether there are not other more valid reasons which induced such eminent persons as the Earl of Derby, Bishop Blomfield, Bishop Kaye, and Bishop Wilberforce, to except

against that Court, and to engage in a public effort to supersede it.

The fact of its being a Committee of the Privy Council seems unfavourable to its salutary action in Ecclesiastical Causes.

The *Court of Delegates* was preferable to it. Courts and Laws are of little avail unless the Judges who administer the Laws in these Courts are wisely chosen by the Supreme Authority for their special qualifications to do the work assigned to them in the best way.

"Thou shalt provide" (said God to Moses [8]) "out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them, and let them judge the people."

Under the "*Statute of Appeals*" a Sovereign, guided by good advice might, and probably did, choose such men to sit and judge as Delegates in any Ecclesiastical cause, as were best qualified for the purpose, by learning, wisdom, integrity, justice, firmness and moderation, and above all by the true faith, fear, and love of God.

Such a person was the provincial governor of Africa, Marcellinus, whom, as we have seen, the Emperor Honorius appointed to act as his Delegate and Commissioner in the cause of the Donatists, and before whom S. Augustine, and the Catholic Bishops with him, pleaded the cause of the Church, and who, by his wisdom and piety and charity, appeased a controversy which had long distracted it.

[8] Exod. xviii. 21.

The Court of Delegates stands in favourable contrast, therefore, to the Judicial Committee; and it is remarkable that more distress has been produced in the Church by the action of the latter in not quite fifty years, than by that of the former in three hundred. It is no fault of those who have been members of the Judicial Committee that they have not gained the respect and confidence of the Church. The fault is in the constitution of the Court.

The Judges of that Court are Privy Councillors who have not been appointed to that high position in the State for any special fitness to determine Ecclesiastical Causes by their learning in Ecclesiastical Law, and by their skill in Theological Learning.

Some of them might be even like the Judges chosen by the Emperor Valentinian the younger, who did not believe the doctrine of the Church concerning our Lord's divinity, and before whom S. Ambrose, Bishop of Milan, refused to plead in a cause of religion. They mght be like those provincial delegates of the Arian Emperor Constantius, whose judicial cognizance in matters of doctrine was deprecated by S. Hilary, Bishop of Poictiers.

It was for this reason that our forefathers wisely provided in the 127th Canon of the Church of England in 1604 (on the "*Quality of Judges Ecclesiastical*") that no one "should exercise any Ecclesiastical jurisdiction, except he were *learned*

in Civil and Ecclesiastical Law, as likewise *well affected and zealously bent on religion*, touching whose life and manners no evil example is had" (in the Latin Canon it is, *in jure canonico eruditus*, "*religioni studiosè deditus, de cujus vitâ et moribus nullus sinister sermo audiatur*,") and every such Judge, before he exercised any such jurisdiction must take an oath affirming the King's supreme authority in Ecclesiastical causes ("*supremam regis auctoritatem in Causis Ecclesiasticis*"), in the presence of the Bishop or in open Court, and also subscribe the Thirty-nine Articles of Religion of the Church of England, agreed upon in the Convocation of 1562.

Accordingly on the 26th of June, 1879, the Lower House of Convocation adopted a Resolution that the "Judges in the Court of Final Appeal in Ecclesiastical Causes should as far as possible possess the qualifications laid down for certain Ecclesiastical Judges in the 127th Canon." [9]

This was a wise Resolution.

Again, as to the mode in which judgment is given by that Court in such causes.

It is not, I hope, presumptuous to say that the words "*Judicial* Committee of *Privy* Council"

[9] Chronicle of Convocation for 1879, pp. 187—190. The Report of the Committee of the Lower House of Convocation, on "The Relations of Church and State," presented June 23, 1879, is one of many valuable documents of the kind which may supply a sufficient answer to the question, "What is the use of Convocation?"

acting as a Court of Final Appeal in Ecclesiastical Causes involve a contradiction in terms.

The words "Privy Council" ("*à secretioribus consiliis*"), implying *privacy* and *secrecy*, are very appropriate so far as they describe the functions of those who are advanced to the high honour of being advisers of the Crown, and who, as such, are *pledged to secrecy*.

You may remember that a former Bishop of Lincoln, Dr. John Williams, was sent to prison, and was condemned to pay a heavy fine, for alleged misdemeanours, and particularly because, being a Privy Councillor, he had "revealed the King's secrets."

A rule was laid down by the Privy Council on February 20, 1627, prohibiting any *publication* of different opinions held by different members of the Council.

But such things as these are not good and seemly for Courts of Justice. There is an inconsistency here. The essence of a *Privy Council* is *secrecy;* the essence of a *Court of Justice* is *publicity*.

The Judicial Committee of Privy Council seems to feel this contradiction. Strictly speaking, it is not a Court of Justice at all. It does not profess to be so; it never delivers a judgment. All that it does is to act as a part of her Majesty's Privy Council, and in that capacity to *advise her Majesty;* but this advice has no validity whatever till the Report of it is read to her Majesty

in Council, and receives the approval of the Crown.[1]

The consequence of this is, that the Judicial Committee of Privy Council fails to fulfil a primary condition of a Court of Justice. The public has a right to know—the Church has a right to know—in Ecclesiastical causes,—not what a Committee of the Privy Council, as a body, advises the Crown to do, but what each Judge in the Court determines in such causes, and on what grounds he bases his judgment.

Even in that most arbitrary of all Courts—now abolished—the Star Chamber, this was done. Secrecy was not imposed on the judges. We possess speeches—delivered and printed by themselves—of Archbishop Laud and Bishop Andrewes, on Ecclesiastical Causes that came before them in that court.[2]

We have tried secret voting by ballot in Parliamentary Elections; the result of the experiment is not such as to encourage its application to Courts of Justice.

[1] Take the case of the Ridsdale Judgment, "The Report from the Judicial Committee," was dated on May 12, 1877, and came before her Majesty on the 14th May following; and "her Majesty, having taken the said Report into consideration, was pleased, by and with the advice of her Privy Council, to *approve thereof*, and to order that the same may be duly observed."—(Signed) C. L. Peel.

[2] See Archbishop Laud's speech in the case of Bastwick, delivered in the Star Chamber, June 14, 1637; and the speech of Bishop Andrewes in the Star Chamber in Traske's case, 1619, and in the Countess of Shrewsbury's case, p. 79 (Ed. 1629.)

There appears, therefore, to be good reason for the resolution of the Lower House of Convocation, on June 26, 1879, that "in the Court of Final Appeal in Ecclesiastical Causes, the *judgments of the several Judges* constituting the Court should *be delivered severally and seriatim.*"

One more remark on this topic.

In the present state of political parties, and in the intermixture of Ecclesiastical questions with civil, there is some danger lest high political Functionaries, sitting as Judges on Ecclesiastical questions, should be exposed to the temptation of being—unconsciously—swayed by considerations of political expediency—especially if they do not act publicly and on their own personal responsibility, in framing their judgments on Ecclesiastical Causes; and that those judgments should be warped and biassed by considerations of State policy, to the prejudice of the interests of justice, and the welfare of the Church.

On the whole, then, we may, I think, agree with those who are of opinion that there is sufficient reason for an endeavour to amend the Constitution of the Court of Final Appeal, and to revise the mode in which the jurisdiction of the Crown in Ecclesiastical Causes is now exercised by its means.

It was proposed, as we have seen, by Bishop Blomfield, in 1850, that the functions which that Court discharges should be transferred to the Episcopal Bench.

Even at the present time, by the Statute of Appeals, the final appeal lies, in cases concerning the Crown, to the Bishops in the Upper House of Convocation. This proposal has recently received the sanction of some honoured names. It has not however commended itself to others who are entitled to speak on the subject. Our friend Prebendary Joyce, who is a high authority on synodical matters, does not think that this proposal would be "at all satisfactory,"[3] and he would prefer a joint committee of the Convocations of both Provinces.

But after all, in matters like these we must not so much consider what would be absolutely best, as what would be best in what is possible.

If the House of Lords in 1850 rejected by a considerable majority such a proposal, urged by powerful advocates like the Earl of Derby and Bishop Blomfield, and others, it would probably be of little use to press it upon both Houses of Parliament at the present time.

But the resolutions of the Lower House of Convocation, which have been specified above, are so fair and reasonable, that under favourable circumstances it is to be hoped they might receive the attention which they deserve.

Let us now pass on to the "Public Worship Regulation Act" of 1874 (37 and 38 Vict. cap. 85).

[3] Preb. Joyce, "Ecclesia Vindicata," p. 191 (London, 1862).

That such a measure should have been proceeded with independently of, and in opposition to, the judgment of the Clergy in Convocation, was, as has been already said, to be regretted.

It was also a mistake, I venture to think—especially under such circumstances—to make a change in the constitution of our ancient Provincial Courts.

But I cannot agree with those who allege that the Judge who now sits in the Court of Arches, as remodelled by that Statute, *derives* his *authority* from *Parliament*.

The fallacy of such an allegation has already been pointed out.

What Parliament really did was this. It *declared* in *what way* Jurisdiction is to be exercised by the Judge, appointed by the two Archbishops, and deriving his authority from the Archbishops, who, as far as that authority is *coercive*, and has to do with the infliction of pains and penalties, receive their jurisdiction from the Crown, as Supreme under God (as Hooker, Archbishop Bramhall, Bishop Andrewes, and Bishop Sanderson have clearly shown); for which reason, says Hooker (in words more fully quoted above), we hold that "without exception all Courts are the King's." "The truth is," says Archbishop Bramhall[4] (one of the most clear-sighted and vigorous-minded of our divines), "all Ecclesiastical Courts, and all Ecclesiastical

[4] Works, vol. i. p. 170.

coercive Jurisdiction, are from Sovereign Princes (I except always that Jurisdiction which is purely spiritual and an essential part of the 'Power[5] of the Keys'); and they exercise that power by themselves, or by their delegates, in all Ecclesiastical Causes."

It is, therefore, not correct to say, that Parliament has professed to *give spiritual* authority to the Judge in that Court; and that, since Parliament cannot be a *source* of spiritual authority (which I fully allow), the Judge appointed by the Archbishops to preside in that Court has no jurisdiction in causes spiritual and ecclesiastical.

Again, it has been said by some that Parliament might as well pretend to declare who is to be Bishop of a Diocese, as to determine who is to be a Judge in an Ecclesiastical Court.

Such an allegation as this, involving a strange confusion between the power of *Order* (which is sacred and from Christ alone) and the power of *external coercive jurisdiction*, which is from the Crown, needs only to be mentioned to be exploded by those who have any knowledge of Theology and Ecclesiastical law.

But there are other objections to the Act which deserve consideration.

These have been stated by the Bishop of Ely,

[5] I.e. the exercise of the Spiritual power—conferred at Ordination—in administering the Sacraments, and for the remission of sins, and in absolution of Penitents.

in his recent reply to some of his Clergy, and by some speakers in the Lower House of Convocation on June 26th and 27th, in the year 1879, and by a distinguished and generous layman, the Right Hon. J. G. Hubbard, M.P., and by others.

The Act disables the Metropolitan of either Province from appointing a Judge in his own Provincial Court without the consent of the Metropolitan of the other Province; and it reduces the Judges of the two Provincial Courts to one Judge; and in case the two Archbishops do not agree, the appointment of this one Judge lapses to the Crown.[6]

As to this last point, it has been urged by a high authority, that it is "essential to the office of such a Judge that he should have the power of *excommunication*, which can only be conveyed by *spiritual* delegation."

But the Church of England is strongly opposed to the exercise of any such power of excommunication by any official appointed by a *Bishop* (Canons of 1585, Cardwell, 144; Canons of 1640, Cardwell, 410). The words in Canon 122 are to be explained, from the Latin version, and Bishop Gibson says (Codex, 1049) "*Excommunication* is to be pronounced by none but the *Bishop*, or other person in *holy orders*.

But to return. The Act provides in its 7th section that the two Archbishops may concurrently

[6] See section 7 of the Act.

appoint *a* Judge of their two Provincial Courts; and then it proceeds to declare that the Judge, so appointed by the two Archbishops, shall, at the next avoidance in the offices of the judges then existing in their two Provincial Courts, become *the* judge in *one* Court; in which the two Courts and their Jurisdiction are, by a process of fusion, to coalesce and to be merged.

The Act then goes on to describe the mode in which the proceedings before this composite Court are to be regulated.

This was an organic change in these ancient Provincial Courts, and it is one that is much to be regretted.

It has been alleged by an excellent layman, that the present Dean of Arches has no spiritual authority, for the following reasons; because—

1. On the resignation of that office by Sir Robert Phillimore, he did not receive a special appointment to it *from the Archbishop*, and that consequently he is only a Judge *appointed by Parliament*, which cannot give *spiritual authority;* and

2. Because he has never qualified himself for that office by taking the Oath which (as we have seen above) is prescribed for Ecclesiastical Judges by the 127th Canon.

Now I do not pretend to say that it would not have been better that these objections should have been obviated; but they certainly have not the force which they are supposed by some to possess.

For, as to the first objection; it is to be remembered that the present Judge of the Court of Arches was *appointed by the Archbishop* (acting with his brother Primate) *to be a Judge of* his *Provincial Court* of Arches, under the distinct understanding that he was to succeed to the office of Dean of Arches (under section 7 of the Act) on the next avoidance of that office; and therefore he was virtually appointed, not by Parliament, but by *the Archbishop* to that office.

Let me illustrate this statement by an example.

Many alterations in the territorial areas of our Dioceses were made, under Parliamentary statutes, at the Reformation, and have been made, in accordance with statutory enactments, in the present century (6 and 7 Will. IV. c. 77).

Suppose, now, a Bishop to be elected, confirmed, and consecrated to a Diocese, under a Parliamentary provision that on the demise of another Bishop of a contiguous Diocese, he shall take the Episcopal oversight of some additional territory—say another county—which belonged to the deceased Bishop's Diocese; he does not require any new election, confirmation, or consecration, to enable him to take the oversight *of that county;* nor does he *derive* his *Episcopal jurisdiction* over that county *from Parliament* which enacted that statute, but he derives it from his original election, confirmation, and consecration to his office of Bishop.

In like manner, the present Dean of Arches does

not derive his jurisdiction from Parliament, but from the Archbishop, and through him from God, Who is the Source of all authority.

As to the Oath prescribed by the 127th Canon, it would, in my opinion, have been far better that the Canon should have been complied with, and the Oath have been taken.

But I fear it would go very hard with many of us, Bishops and Clergy, if non-observance of a Canon were supposed to vitiate our ministrations.

Take an example of this.

All Bishops, Deans, and Canons are required by a Canon (Canon 24) to *wear Copes* when they minister the Holy Communion in their Cathedral Churches; and they (who are specially obliged to observe the Canons) ought certainly to do so; but they would be surprised to hear that the validity of the Sacrament administered by them was vitiated by their non-observance of the Canon which requires them to wear Copes when they minister it.

Let it be remembered also that the Judge was appointed to his office under the Act (Sect. 7) with the express condition, that he should, on admission to it, *sign a declaration* (provided by a Schedule in the Act) that he is a *Member of the Church of England;* and if he ceases to be a member of it, his office is to become vacant.

With regard to submission to the decisions of the Court thus constituted, it seems to me that if

a person—after careful consideration, and after seeking for the advice of those who are best qualified to guide him, especially of his own Bishop, to whom he has promised obedience in all things lawful and honest—and to whom the Church commands him to submit—is firmly convinced in his own conscience that he *cannot* recognize the authority of that Court, and that he would be acting against the Law of God if he were to obey its decrees, he must, of course, follow the dictates of his conscience, and submit to the penalties consequent on his act; and we may, and must, feel sympathy with him in his sufferings for what, in his opinion, is a righteous cause.

But after the best consideration of the matter, I do not think that in so doing he could be said to have taken sufficient care to *inform and regulate his conscience.*

If he is *not absolutely certain* that he is right in withholding his recognition and obedience, but is *in doubt* about the matter, it is quite certain, on all sound principles for the government[7] of the human Conscience, that it is his duty to God to obey the authority in question. As is well said by S. Augustine, there are many things, which it may not be expedient for others to command, in

[7] See Bishop Sanderson on Conscience, Lect. v. sect. 7, sect. 22, and Sermon iv. sect. 29; Works, ii. p. 135. The whole of that sermon on Rom. xiv. 23 may be respectfully and earnestly commended to careful consideration on the question before us at this time.

which nevertheless it is right for us to obey.[8] And it is a good rule of conduct, that, in *all* matters of *doubt*, the balance is always to be inclined in favour of Authority and Law.

While, therefore, I should earnestly deprecate litigation, especially with such possible consequences as imprisonment, let me add in all Christian affection, that what Richard Hooker said (in the preface of his great work) to the Puritans of his day, who, in ritual matters, would not wear a Surplice, nor do other things ordered by Bishops and "State Courts," as they are called, may be now paraphrased, and applied to some good men who plead the dictates of their conscience as a reason for doing what Bishops and Courts forbid them to do.

His words, slightly modified, are as follows:—"We do not wish any men to do anything which in their hearts they are persuaded they ought not to do. But men ought to be fully persuaded in their hearts, that, in controverted causes of this kind, the will of God is, that they should do what the sentence of judicial and final decision has determined; yea, though it seems in their own private opinion to swerve from what is right. For if God be not the Author of confusion but of peace, then God cannot be the Author of our refusal—but of our willingness—to submit to the definitive sentence, without which it is almost impossible to avoid confusion and to attain peace.

[8] S. Augustine c. Faust. Manich. xxii. 75.

It is better in God's sight that sometimes an erroneous definition should prevail, till the authority, perceiving its oversight, should correct and reverse it, than that peace should be banished from the Church, and that strifes should not come to an end. When a definitive sentence has been given, this is sufficient for a reasonable man to build the duty of obedience upon, whatsoever his own opinion might have been before, concerning the matter in question. So full of wilfulness and self-liking is our nature, especially when we are flattered by eager partisans that we are heroes and martyrs in maintaining our own opinions—which are also theirs—and in suffering for those opinions, in opposition to the authority of our Spiritual Guides and Governors, as well as of a Court Ecclesiastical, that there is little hope that strifes will end, and peace be restored, unless we reform our consciences, and bring them into dutiful submission to those who are over us in the Lord.

But in speaking thus, I do not mean to deny that it would be expedient that the jurisdiction of the old Provincial Courts should be restored, and be kept distinct from that of the recently created Court; and this appears to have been the opinion of the Clergy of this Province in Convocation.[9]

As to our Diocesan Courts, it has been alleged that the Act has destroyed them. This is not

[9] Chron. of Convocation, June 27, 1879, p. 231.

quite fair. It would have been well if the Act had *restored* them; but let us look at the facts.

The Act (in Sect. 5) declares that "save as is therein provided, nothing in it shall be construed to affect or repeal any existing Ecclesiastical Jurisdiction," i.e. in Diocesan Courts: and (in Sect. 9) a Bishop may hear any cause under it in "such manner as he shall think fit," i.e. in *his Diocesan Court*, in cases where both parties signify that they are willing to abide by his decision.

In this respect the "Public Worship Regulation Act" is more favourable to the Diocesan Courts than the "Church Discipline Act" of 1840, which ignored the Diocesan Courts altogether.

One more general remark, on the present position of the Church, and I will bring this letter to a close. The Church of England in her Convocation possesses ample powers (which she has exercised on two occasions not long ago) of declaring the true faith, in *matters* of *doctrine;* and of clearing herself from all complicity in erroneous judgments of Ecclesiastical Courts, by pronouncing Synodical sentence of censure and condemnation on heretical writings.

With regard to *matters of Ritual* the Church of England has recently enjoyed full liberty and encouragement from the Crown, in Letters of Business; which were extended over seven years, and which empowered the Bishops and Clergy in

Convocation to explain and amend the Rubrics in the Book of Common Prayer.

If any of these Rubrics still remain ambiguous, the fault is certainly not in the Civil Power, but it is in ourselves.

Let me now submit to you, in conclusion, what seems to be the most important consideration of all.

The amendments suggested above are not in our own power. They would require the intervention of Parliament. And it may admit of a doubt, whether the Legislature would be disposed at the present time to engage in a discussion on Ecclesiastical Law; and whether it would be wise to invite it to do so.

But there is another more effectual remedy in our own hands.

We are indebted to the "Public Worship Regulation Act" for having vested a large and liberal amount of discretionary power in the Bishops, for stopping litigation under the Act.[1]

We have also to thank the Bishop of Oxford for vindicating a similar power to the Diocesan, in proceedings under the "Church Discipline Act."

The question therefore to be considered, is this:

Why should *there be any litigation at all* in such matters as these, which have recently not only caused an expenditure of vast sums of money, that might have been profitably devoted to works of piety and charity, but have also wasted the

[1] Sect. 9.

time, disturbed the peace, distracted the energies, impaired the efficiency, and even imperilled the safety of the Church of England as a national establishment of Religion?

Why should not such questions as these be settled peaceably in our own Dioceses, without going out of them, and resorting to Courts of Law?

I would not, of course, propose that a Bishop should exercise the discretionary power, with which he is invested by Law, in any arbitrary manner, according to his own personal prepossessions or private prejudices, or even on his own deliberately formed opinions. But what we may well ask is, Why should not a Bishop, having summoned (if need be, and if requested so to do) a Synod of his Clergy, and also a Diocesan Conference of Clergy and Laity, be authorized by them to exercise this discretionary power in conjunction with a Council of Clergy and Laity, duly appointed by the Diocese, speaking by that Synod and Conference, for the avoidance of strife and for the peaceable solution and settlement of all such questions as these?

Happily for us in this Diocese we have been mercifully preserved from strife on such matters. But some others have not been so fortunate; and we are all members one of another; what concerns one Diocese concerns all; it affects the general peace and safety of the Church; and it demands the attention of all.

You know my opinion on these ritual matters. In the year 1874, when "letters of business" were

granted by the Crown to Convocation for revising the rubrics, I moved in the Upper House that the Ornaments of the Minister in the First Book of Edward the VIth should be specified and recited in a Rubric, and that those Ornaments should be *allowed* to be used by the Clergy, but *not be imposed* upon any of them.[2]

This proposal was repeated by me in Convocation on July 4, 1879 (Chron. of Conv., p. 204).

You have also heard my opinion in charges delivered to you in 1876[3] and in 1879[4] to the effect that those Ornaments are legal, but not obligatory upon any.

But whatever the private opinion of a Bishop may be in this matter, he could not (as being charged with the administration of law, as interpreted by our Ecclesiastical Courts) do otherwise than deprecate, discourage, and disallow the use of those Ornaments, in cases where a complaint of their use were laid before him.

But for my own part, let me candidly confess it, I should greatly prefer a liberal Toleration in such matters as these, *under proper restraints and safeguards*, which might be provided by the deliberative counsel and friendly co-operation of the Clergy and Laity of the Diocese. If such a toleration were not found to be feasible, then there can be little doubt, that the Clergy of a Diocese

[2] See the reports of the proceedings in the Chronicle of Convocation for 1874, July 7th, pp. 316—322.

[3] Diocesan Addresses, 1876, pp. 10—14.

[4] Ten Addresses, 1879, pp. 55—63.

would, for the sake of peace, sacrifice their own private opinions, and would conform their own practice to such regulations as were made by the united action of their own brethren, chosen by themselves, and joined with the Laity of the Diocese.

The persuasive moral influence of such united Diocesan action as this would, I am sure, be much more powerful than any coercive stringency of Law Courts, which sometimes provoke opposition by rigour.

If this happy consummation were accomplished (which may God of His infinite mercy grant), if peace were restored among ourselves; if, so to speak, the Temple of our Ecclesiastical Janus (which has too long been open) were shut by our own hands, then an Augustan age of Concord, in the best sense of the term, would dawn upon the Church of England; and she would be enabled to achieve spiritual conquests, at home and abroad, such as would surpass in glory the noblest triumphs of the Cæsars, and would endure for many generations, when earthly Empires have passed away, and as would have their reward in eternity.

I am, my dear friends,
Your faithful brother
and servant in the Lord,
C. LINCOLN.

Riseholme, Lincoln,
Jan. 19, 1881.

GILBERT AND RIVINGTON, PRINTERS, ST. JOHN'S SQUARE, LONDON.

A NEW EDITION OF

THE HOLY BIBLE.

With Introductions and Notes by

CHR. WORDSWORTH, D.D.,

BISHOP OF LINCOLN.

THE OLD TESTAMENT.

In the Authorized Version, with Introduction, Notes, and Index.

In Parts.

PART	£	s.	d.
I. Genesis and Exodus.	0	14	0
II. Leviticus, Numbers, Deuteronomy . .	0	12	0
III. Joshua, Judges, Ruth	0	9	0
IV. Books of Samuel . .	0	7	0
V. Kings, Chronicles, Ezra, Nehemiah, Esther	0	15	0
VI. Book of Job . . .	0	7	0
VII. Psalms	0	11	0
VIII. Proverbs, Ecclesiastes, Song of Solomon	0	9	0
IX. Isaiah	0	10	0
X. Jeremiah, Lamentations, Ezekiel . .	0	16	0
XI. Daniel	0	5	0
XII. Minor Prophets . .	0	9	0
Index	0	2	0
	£6	6	0

In Volumes.

VOL.	£	s.	d.
I. The Pentateuch . .	1	5	0
II. Joshua to Samuel . .	0	15	0
III. Kings to Esther . .	0	15	0
IV. Job to Song of Solomon	1	5	0
V. Isaiah to Ezekiel . .	1	5	0
VI. Daniel, Minor Prophets, and Index .	0	15	0
	£6	0	0

THE GREEK TESTAMENT.

With Introductions, Notes, and Index.

By CHR. WORDSWORTH, D.D.,

BISHOP OF LINCOLN.

In Parts.

PART	£	s.	d.
I. Gospels	0	16	0
II. Acts of the Apostles .	0	8	0
III. St. Paul's Epistles .	1	3	0
IV. General Epistles, Apocalypse, Index . .	0	16	0
	£3	3	0

In Volumes.

VOL.	£	s.	d.
I. Gospels and Acts of the Apostles. . .	1	3	0
II. Epistles, Apocalypse, and Index . . .	1	17	0
	£3	0	0

Any Part, or any Volume, may be had separately.

RIVINGTONS: LONDON, OXFORD, & CAMBRIDGE.

PUBLICATIONS BY CHR. WORDSWORTH, D.D., BISHOP OF LINCOLN.

OCCASIONAL SERMONS PREACHED IN WESTMINSTER ABBEY. Seven Volumes, 1850—1859.

THE HOLY YEAR; or, Original Hymns, for Sundays, Holy Days, and Daily Use. *Fifth Edition, large type*, price 1*s.*; *smaller type*, 6*d.* With tunes, edited by W. H. Monk, 4*s.* 6*d.*

THEOPHILUS ANGLICANUS; or, Manual of Instruction on the Church Universal, and on the Anglican Church. *Tenth Edition*, 2*s.* 6*d.*

S. HIPPOLYTUS AND HIS AGE, from the newly-discovered "Philosophumena." *Second Edition, greatly enlarged*, 1880. 8*s.* 6*d.*

THEOCRITUS, Codicum MSS. ope recensitus et emendatus. *Second Edition*, 1877. 7*s.*

CORRESPONDENCE OF RICHARD BENTLEY, D.D. 2 vols. £2 2*s.*

MEMOIRS OF WILLIAM WORDSWORTH. 2 vols. 30*s.*

GREECE, Historical, Pictorial, and Descriptive. *Fifth Edition.* £1 8*s.*

ATHENS AND ATTICA; Journal of a Residence there. *Third Edition.* Crown 8vo. 8*s.* 6*d.*

A DIARY IN FRANCE; concerning Education and the Church. *Second Edition.* 5*s.* 6*d.*

NOTES AT PARIS. A Sequel to the above, 4*s.*

TOUR IN ITALY; with reference to the Prospects of Religion there. *Second Edition.* 2 vols. 15*s.*

TWELVE ADDRESSES AT THE VISITATION OF THE DIOCESE OF LINCOLN in 1873. 2*s.* 6*d.*

ETHICA ET SPIRITUALIA. Extracts from the Fathers. *New Edition, enlarged.* 1*s.* 6*d.* 1877.

DIOCESAN ADDRESSES AT THE VISITATION IN 1876. 2*s.* 6*d.*

TEN ADDRESSES AT THE VISITATION IN 1879. 2*s.* 6*d.*

BISHOP SANDERSON'S LECTURES ON CONSCIENCE AND HUMAN LAW, in an English Translation, with a Preface. 3*s.* 6*d.* 1877.

MISCELLANIES, LITERARY AND RELIGIOUS. £1 16*s.*

RIVINGTONS, 3, Waterloo Place, London; and at Oxford and Cambridge.